## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA BEAUFORT DIVISION

Edward Louis Game,	) C/A No. 9:05-3413-CMC-GO	K
Plaintiff,	)	
v.	) OPINION AND ODDER	
Michael J. Astrue <sup>1</sup> , Commissioner of Social Security,	OPINION AND ORDER )	
Defendant.	) ) )	

Plaintiff filed a complaint pursuant to Section 1631(c)(3) of the Social Security Act, as amended (42 U.S.C. § 1383(c)(3)), seeking judicial review of the final decision of the Commissioner of Social Security denying his claim for Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, 42 U.S.C. §§ 1381-1383f. The matter is currently before the court for review of the Report and Recommendation of Magistrate Judge George C. Kosko, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(a) D.S.C.

This court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection,

<sup>&</sup>lt;sup>1</sup>Michael J. Astrue became the Commissioner of Social Security on February 12, 2007. Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, Michael J. Astrue should, therefore, be substituted for Commissioner Jo Anne B. Barnhart or Acting Commissioner Linda S. McCahon as Defendant in this action. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

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a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is

no clear error on the face of the record in order to accept the recommendation."") (quoting Fed. R.

Civ. P. 72 advisory committee's note).

The United States Magistrate Judge has filed his Report and Recommendation, in which he

concludes that the Commissioner's decision should be affirmed. No objections have been filed and

the time for doing so has expired.

After reviewing the record, the applicable law, the briefs of counsel and the findings and

recommendations of the Magistrate Judge, the court finds no clear error. Accordingly, the Report

and Recommendation of the Magistrate Judge is adopted and incorporated by reference. For the

reasons set out therein, the final decision of the Commissioner is AFFIRMED.

IT IS SO ORDERED.

s/Cameron McGowan Currie CAMERON MCGOWAN CURRIE UNITED STATES DISTRICT JUDGE

Columbia, South Carolina April 23, 2007